

EXHIBIT A

Klein, Chuck

From: John D. Radice [jradice@kaplanfox.com]
Sent: Tuesday, May 27, 2008 6:33 PM
To: Klein, Chuck
Cc: 'ecramer@bm.net'; 'aa@adr-portland.com'; 'dsimons@bm.net'; 'bgerstein@garwingerstein.com'; Linda P. Nussbaum; 'rfoote@smithfoote.com'; 'akelly@odrlaw.com'; 'dpsmith@smithfoote.com'; Campbell, Matt; Bhargava, Mike
Subject: Re: Norvir Third Party Subpoenas

Thanks; I'll do that.

John D. Radice
Kaplan Fox & Kilsheimer LLP
850 Third Avenue
14th Floor
New York, NY 10022
Tel: (212) 687-1980
Mobile: (646) 245-8502
Fax: (212) 687-7714
e-mail: jradice@kaplanfox.com

From: Klein, Chuck
To: John D. Radice
Cc: ecrumer@bm.net ; aa@adr-portland.com ; dsimons@bm.net ; bgerstein@garwingerstein.com ; Linda P. Nussbaum; rfoote@smithfoote.com ; akelly@odrlaw.com ; dpsmith@smithfoote.com ; Campbell, Matt ; Bhargava, Mike
Sent: Tue May 27 18:29:44 2008
Subject: RE: Norvir Third Party Subpoenas

John,

This is fine. Please circulate to counsel for the opt-outs and GSK for their approval.

Thanks,
Chuck

From: John D. Radice [mailto:jradice@kaplanfox.com]
Sent: Tuesday, May 27, 2008 5:45 PM
To: Klein, Chuck
Cc: ecrumer@bm.net; aa@adr-portland.com; dsimons@bm.net; bgerstein@garwingerstein.com; Linda P. Nussbaum; rfoote@smithfoote.com; akelly@odrlaw.com; dpsmith@smithfoote.com; Campbell, Matt; Bhargava, Mike; John D. Radice
Subject: RE: Norvir Third Party Subpoenas

Chuck—I believe that this memorializes our discussions. Please let me know whether we are in agreement on the below terms.

Plaintiffs and Abbott agree that:

(1) Abbott will notify the third parties, copying Plaintiffs' counsel, that Abbott will suspend its requests for discovery in topics 1-2 and 4-5 of the subpoenas pending the outcome of Abbott's motion to compel downstream discovery from the named Plaintiffs, reserving to all parties (including subpoenaed absent class members) all of their other rights and objections. It is Abbott's belief that Topic 3 does not request downstream discovery, and consequently this agreement does not affect topic 3. All parties (including subpoenaed absent class members) retain all rights and obligations with respect to subpoena topic 3.

The letter to third parties will say: "Pursuant to our agreement with the plaintiffs in the above-captioned action, Abbott will suspend its requests for discovery in topics 1-2 and 4-5 of the subpoena served on you on May __, 2008, pending the outcome of a motion to compel filed by Abbott for information from the plaintiffs similar to the information requested in these topics. You will be deemed to have reserved all rights and objections during this period. We expect a ruling by the Court on that motion in early June and will inform you immediately once it is entered. This suspension does not affect the discovery requested in topic 3."

(2) If the court were to grant Abbott's motion to compel, Plaintiffs would consent to a stipulated motion seeking an extension of the class certification briefing schedule by up to the number of days between May 23, 2008 and the date of the court's order granting Abbott's motion to compel. Plaintiffs will seek the consent to this motion by the other plaintiffs (i.e., direct purchaser "opt-out" plaintiffs and GSK).

(3) Absent the court granting Abbott's motion to compel, Plaintiffs do not consent to any extension of the class certification briefing schedule. But Abbott reserves its right to unilaterally seek an extension of time to oppose class certification.

Thanks,

John D. Radice
Kaplan Fox & Kilsheimer LLP
850 Third Avenue
14th Floor
New York, NY 10022
Tel: (212) 687-1980
Mobile: (646) 245-8502
Fax: (212) 687-7714
e-mail: jradice@kaplanfox.com

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From: Klein, Chuck [mailto:CKlein@winston.com]
Sent: Tuesday, May 27, 2008 3:24 PM
To: John D. Radice

Cc: ecramer@bm.net; aa@adr-portland.com; dsimons@bm.net; bgerstein@garwingerstein.com; Linda P. Nussbaum; rfoote@smithfoote.com; akelly@odrlaw.com; dpsmith@smithfoote.com; Campbell, Matt; Bhargava, Mike
Subject: RE: Norvir Third Party Subpoenas

John,

In response to your email below, we propose that Plaintiffs and Abbott agree that:

(1) Abbott will notify the third parties, copying Plaintiffs' counsel, that Abbott will suspend its requests for discovery in topics 1-3 and 5 of the subpoenas pending the outcome of Abbott's motion to compel downstream discovery from the named Plaintiffs, reserving to third parties all of their rights and objections. Topic 4 does not request downstream discovery and, therefore, will not be suspended per this agreement.

The letter to third parties will say: "Pursuant to our agreement with the plaintiffs in the above-captioned action, Abbott will suspend its requests for discovery in topics 1-3 and 5 of the subpoena served on you on May __, 2008, pending the outcome of a motion to compel filed by Abbott for information from the plaintiffs similar to the information requested in these topics. You will be deemed to have reserved all rights and objections during this period. We expect a ruling by the Court on that motion in early June and will inform you immediately once it is entered. This suspension does not affect the discovery requested in topic 4. Feel free to contact us if you have any questions."

(2) If the court were to grant Abbott's motion to compel, Plaintiffs would consent to a stipulated motion seeking 30 days from the date of the court's order granting the motion to compel for Abbott to file its opposition to class certification. Plaintiffs will secure the consent to this motion by the other direct purchaser "opt-out" plaintiffs.

(3) Absent the court granting Abbott's motion to compel, Plaintiffs do not consent to any extension of the class certification briefing schedule. But Abbott reserves its right to unilaterally seek an extension of time to oppose class certification.

Thanks,
Chuck

From: John D. Radice [mailto:jradice@kaplanfox.com]
Sent: Friday, May 23, 2008 4:33 PM
To: Klein, Chuck
Cc: 'ecramer@bm.net'; 'aa@adr-portland.com'; 'dsimons@bm.net'; 'bgerstein@garwingerstein.com'; Linda P. Nussbaum; 'rfoote@smithfoote.com'; 'akelly@odrlaw.com'; 'dpsmith@smithfoote.com'; Campbell, Matt; Bhargava, Mike
Subject: Re: Norvir Third Party Subpoenas

Yes, that would be fine.

Thanks,

John D. Radice
Kaplan Fox & Kilsheimer LLP
850 Third Avenue
14th Floor
New York, NY 10022
Tel: (212) 687-1980
Mobile: (646) 245-8502
Fax: (212) 687-7714
e-mail: jradice@kaplanfox.com

From: Klein, Chuck
To: John D. Radice
Cc: Eric Cramer ; Andy Aubertine ; Dan Simons ; Bruce Gerstein ; Linda P. Nussbaum; W. Ross Foote ; Andrew Kelly ; David Smith ; Campbell, Matt ; Bhargava, Mike
Sent: Fri May 23 15:52:58 2008
Subject: RE: Norvir Third Party Subpoenas
[John,](#)

As discussed, we will consider this proposal and get back to you early next week.

To clarify, when you say "Plaintiffs would not oppose Abbott filing a motion seeking up to 30 days from the date of the court's order granting the motion to compel for Abbott to file its opposition to class certification," I assume you mean that Plaintiffs would consent to stipulated motion along the lines of what Plaintiffs filed a couple of months ago (see attached). Let me know if you had something else in mind.

Thanks,
Chuck

From: John D. Radice [mailto:jradice@kaplanfox.com]
Sent: Friday, May 23, 2008 3:46 PM
To: Klein, Chuck
Cc: 'Eric Cramer'; 'Andy Aubertine'; Dan Simons; Bruce Gerstein; Linda P. Nussbaum; 'W. Ross Foote'; John D. Radice; Andrew Kelly; David Smith
Subject: Norvir Third Party Subpoenas

Chuck,

I write to propose an agreement concerning Abbott's subpoenas to third parties seeking, among other things, downstream discovery. Abbott has moved to compel production of downstream discovery from the named Plaintiffs, and Plaintiffs are opposing that motion because, *inter alia*, such discovery is irrelevant as a matter of law. Plaintiffs are seeking an agreement to protect the interests of absent class members, and if we reach an agreement Plaintiffs will not at this point file a motion seeking to quash or stay discovery of third parties.

Plaintiffs and Abbott agree that:

- (1) Abbott will notify the third parties, copying Plaintiffs' counsel, that Abbott's requests for discovery, including, downstream discovery, are suspended pending the outcome of Abbott's motion to compel downstream discovery from the named Plaintiffs, reserving to third parties all of their rights and objections. This agreement is contingent on Plaintiffs' review and approval of Abbott's letter to the third parties; such approval will not be unreasonably withheld.
- (2) If the court were to grant Abbott's motion to compel, Plaintiffs would not oppose Abbott filing a motion seeking up to 30 days from the date of the court's order granting the motion to compel for Abbott to file its opposition to class certification.
- (3) Absent the court granting Abbott's motion to compel, Plaintiffs do not consent to any extension of the class certification briefing schedule.

Please advise whether Abbott agrees with the above, and if so, please circulate for our review the text of the letter to the third parties.

Thanks,

John D. Radice
Kaplan Fox & Kilsheimer LLP
850 Third Avenue
14th Floor
New York, NY 10022
Tel: (212) 687-1980
Mobile: (646) 245-8502
Fax: (212) 687-7714
e-mail: jradice@kaplanfox.com

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